



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Olivier Neckebrock, et al.

Application No.: 10/539,918

Filing Date: February 17, 2006

For: **Process For the Preparation of and Crystalline Forms of Optical Enantiomers of Modafinil**

Confirmation No.: 8401

Group Art Unit: Not yet Assigned

Examiner: Not Yet Assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO MAKE SPECIAL  
PURSUANT TO 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02**

Applicants hereby petition to make this application special pursuant to 37 C.F.R. § 1.102(d).

1. Accompanying this Petition to Make Special are:

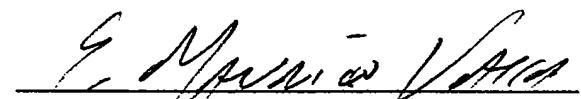
- Fee required in 37 C.F.R. § 1.17(h);
- A supplemental preliminary amendment presenting a set of claims that are directed to a single invention;
- Statement pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. §708.02(VIII) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, and other documents;
- Information Disclosure Statement, Form PTO-1449, and one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- A detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §§ 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

2. Fee (37 CFR § 1.17(h))

The fee required is to be paid by:

- A check in the amount of \$130.00 is attached.
- Please charge Deposit Account No. 23-3050 in the amount of \$130.00.  
This sheet is attached in duplicate.
- The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: June 7, 2006

  
S. Maurice Valla  
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PATENT AND TRADEMARK OFFICE

**Paper:** Petition to Make Special Pursuant to 37 C.F.R. § 1.102(d) and M.P.E.P. § 708.02 (in duplicate); Reply Transmittal Letter (in duplicate); Supplemental Preliminary Amendment; references titled US 4,177,290; US 2004/0102523 A1; WO 02/10125 A1; and US 4,927,855; Declaration of Erwin Blomsma, Ph.D.; Declaration of Matthew L. Peterson, Ph.D.; Declaration of John P. Mallamo, Ph.D.; Information Disclosure Statement; Form PTO-1449 Modified and accompanying references numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 21, 22, 23, 24 and 25 as indicated in the Information Disclosure Statement and as listed on Form PTO-1449 Modified; check in the amount of \$130.00; return receipt postcard; all via HAND DELIVERY.

**Applicant(s):** Olivier Neckebrock, et al.

**Title:** PROCESS FOR THE PREPARATION OF AND CRYSTALLINE FORMS OF OPTICAL ENANTIOMERS OF MODAFINIL

**Application No.:** 10/539,918

**Filed:** February 17, 2006

**Docket No.:** CEPF-0006 (CP247)

**Hand Delivery on:** June 8, 2006

**Sent By:** Miller/Cherry/Valla/Barksdale

